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England - Parliament [Bills. - [ 1 ]  
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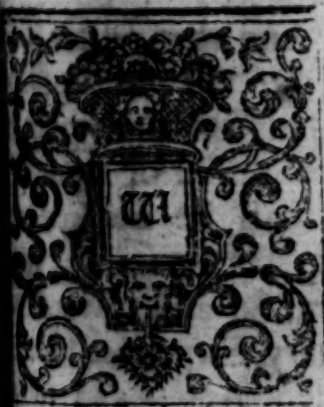
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*Read 6 March 1733. Enacted 26 Geo II Public Acts*

**A BILL** for Enlarging the Term and Powers granted by an Act, made in the Eleventh Year of his present Majesty's Reign, intituled, An Act for Repairing the Road from Shoreditch Church, through Hackney, to Stanford-Hill, and cross Cambridge-Heath, over Bethnal-Green, to the Turnpike at Mile-end, in the County of Middlesex.

c. 55.



Whereas by an Act, made in the Eleventh Year of his present Majesty's Reign, intituled, *An Act for repairing the Road from Shoreditch Church, through Hackney, to Stanford-Hill, and cross Cambridge-Heath, over Bethnal-Green, to the Turnpike at Mile-End, in the County of Middlesex*, several Tolls and Powers were granted for repairing the said Roads; which Tolls and Powers were to take Place, and have Continuance, from the First Day of June One thousand Seven hundred and Thirty-eight, for and

during the Term of Twenty-one Years:

And whereas the Trustees appointed to put the said Act in Execution borrowed, upon the Credit of the Tolls thereby granted, several Sums of Money, which, together with the Tolls collected, have been duly applied according to the Directions of the said Act; and the said Road hath been thoroughly amended, and is now in very good Repair:

But whereas Part of the Money so borrowed still remains due; and the same cannot be repaid, and the said Roads continued in good and sufficient Repair, unless the Term and Powers granted by the said Act be prolonged and enlarged;

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*May it therefore please Your most Excellent MAJESTY,*

The former Act  
continued.

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act, made in the Eleventh Year of his present Majesty's Reign, and all the Authorities, Powers of borrowing Money, Provisions, and Clauses, therein contained (except such as are hereby altered or varied), shall continue, and be executed, from the Expiration of the Term granted by the said former Act for and during the further Term of as fully and effectually as if the said Authorities, Powers, Provisions, and Clauses, were particularly repeated and re-enacted in this present Act: But if, at any time before the Expiration of the additional Term by this Act granted, the Justices of the Peace for the County of *Middlesex*, at their General Quarter Sessions to be holden for the said County, shall adjudge the said Road to be sufficiently amended; and that the same may be kept in good Repair without the said Tolls or Duties being taken; then, after such Adjudication made, and Repayment of all such Money as shall be due upon the Credit of the said former or this present Act, the several Tolls and Powers granted and continued by this present Act shall cease and determine.

Application of  
the Money to be  
raised.

Provided always, and be it further Enacted, That the Costs and Expences of procuring this present Act of Parliament, and also the Money borrowed, and now remaining due, on the Credit of the said former Act, with the Interest thereof, or for any Materials delivered, taken, or Work done, pursuant to the same, or otherwise upon account or by reason thereof, shall, in the First place, be paid and discharged out of the Monies collected, or to be collected or borrowed by virtue of the said former or this present Act: And that, after such Costs and Expences, and also the Money remaining due on the Credit, upon Account, of the said former Act, shall be satisfied and paid, aforesaid, all the Money raised or collected, or to be raised or collected by virtue of, the said former and this present Act, shall be applied and disposed of in the Payment of the Money due, or to become due, upon the Credit of the said former or this present Act; and for and towards repairing the said Roads; and in discharging the necessary Expences attending the Execution of the said former and this present Act; and to other Use or Purpose whatsoever.

Trustees im-  
powered to lessen  
the Tolls, and  
raise the same  
again, if they  
think proper.

And be it further Enacted, by the Authority aforesaid, That, from and after

it shall and may be lawful to and for the Trustees appointed by or in pursuance of the said former and this present Act, from time to time, to lessen or reduce all or any of the Tolls granted by the said former Act, and hereby continued, if they the said Trustees, assembled at their General Meeting to be called for that Purpose, not less than one of the said Trustees being present, or more of them, so assembled shall think proper; and also to raise or augment the same again, as the said Trustees, or any or more of them, or



them, assembled as aforesaid, shall, from time to time, see convenient; and to order and direct the same, so lessened or reduced, raised or augmented, to be collected and applied for the Purposes of the said former and this present Act, in such Manner and Proportions as such Trustees shall judge fit; so as no greater Tolls be, at any time, demanded or taken, than are by the said former Act granted, and made payable; any thing in the said former or this present Act to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That from and after <sup>To prevent Persons passing through private Grounds.</sup> if any Person or Persons owning or occupying any Lands near to any Turnpike erected, or to be erected, by virtue of the said former or this present Act, shall permit any Coach, Berlin, Landau, Hearse, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, Dray, or other Carriage, or any Horse, Mare, Ass, Mule, or other Cattle, to pass through any Gate, Passage, Field, or private Way, whereby the Payment of the Toll by the said former Act granted, and hereby continued, shall or may be avoided; every Person so offending, and also the Person or Persons riding in, driving, or owning, such Coach, Berlin, Landau, Hearse, Chariot, Calash, Chaise, Chair, Waggon, Wain, Dray, Cart, or other Carriage, or owning, riding, or driving, such Horse, Mare, Ass, Mule, or other Cattle, being thereof convicted upon the Oath of <sup>or more</sup> credible Witnesses, before the said Trustees, or any <sup>or more of them</sup> (which Oath the said Trustees, or any <sup>or more of them</sup>, are hereby empowered to administer), or before <sup>or more</sup> Justices of the Peace for the County of *Middlesex*, such Person or Persons shall respectively forfeit to the said Trustees the Sum of

<sup>Exemptions from Toll.</sup> Provided always, and it is hereby Declared, That, during the Continuance of the said former and this present Act, no Toll shall be taken for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Middlesex*, on the Day or Days of such Election; any thing in the said former Act to the contrary notwithstanding.

And be it Enacted, by the Authority aforesaid, That, during the Continuance of the said former and this present Act, the Duty and Business of the Surveyor or Surveyors appointed, or to be appointed, by the said Trustees, shall be, from time to time, to view the Condition of the said Roads, and take care that the same be repaired in such manner as the said Trustees, or any Number of them to be appointed at any General Meeting for that Purpose, shall, from time to time, order and direct: And <sup>Duty of the Surveyors.</sup> such Surveyor or Surveyors, and also the Persons appointed, or to be appointed, to receive the said Tolls or Duties, and every of them, shall, at every General Meeting of the said Trustees, or oftener, if required by any <sup>Surveyors and Collectors to account upon Oath, if required.</sup> or more of them, deliver in, upon Oath, if thereunto required by the said Trustees, or any <sup>or more of them</sup> (which Oath any of the said Trustees are hereby empowered to administer) a true, exact, and perfect Account, in Writing, under their respective Hands, of all Moneys which



Penalty on Collectors not accounting, or not paying Money in their Hands to the Order of the Trustees.

which he and they, and every or any of them, shall, to such time, have received, paid, and disbursed, by virtue of the said former and this present Act, by reason of their respective Offices; which Oath shall be taken in Writing, without any Stamp thereupon, nor shall any Fee or Reward be received for the same: And in case the said Receiver or Receivers, Collector or Collectors, or any of them, shall not make such Account, or shall not pay the Money remaining in his or their Hands, unto such Person or Persons as the said Trustees, or any or more of them, shall, by Writing under their Hands and Seals, authorize and empower to receive the same; that then the Justices of the Peace, at any Special Sessions, or Monthly Meeting, to be holden for the Division in which the said Receiver or Receivers, Collector or Collectors, hath or have acted, or been employed, shall make Inquiry of and concerning such Default, as well by Confession of the Parties themselves, as by the Testimony of or more credible Witnesses, upon Oath (which Oath the said Justices are hereby empowered and required to administer without Fee or Reward): And if any Person shall be convicted of any such Default, such Justices shall the Party so convicted to

until he shall have made a true and perfect Account and Payment, as aforesaid.

Surveyors may dig Gravel, &c. out of any Common or Waste, &c.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, and such Persons as he or they shall appoint, to dig, gather, and take away, any Gravel, Furze, Heath, Sand, Stones, or other Materials for repairing the said Roads, out of any Waste or Common, River or Brook, in any Parish, Town, Village, or Hamlet, in or near which any Part of the said Road, which wants Repair, doth lie: And if there shall not be a sufficient Quantity of such Materials there, such Surveyor or Surveyors, and such Persons so appointed by him or them, shall and may dig, gather, and take away, the same out of any Waste or Common, River or Brook, in any neighbouring Parish, Town, Village, or Hamlet, and carry such Materials through any Field, Yard, Meadow, or private Way, without paying any thing for such Materials; only making such Satisfaction to the Person or Persons, through whose Lands, Yards, or private Ways, the same shall be carried, for the Damages done or occasioned thereby to such Lands, Yards, or private Ways, as the said Trustees, or any or more of them, shall judge fit and reasonable: And where there is not a sufficient Quantity of such Materials in any Common or Waste-grounds, Rivers or Brooks of any neighbouring Town, Village, or Hamlet, it shall and may be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, by Order of the said Trustees, or any or more of them, to dig, gather, and take away, such Materials out of the Ground of any Person or Persons (not being a Garden, Orchard, Yard, or Meadow planted Walk or Walks, or Avenue to a House), where any such Material can be found; paying such Rates for the same to the Owners or Occupiers of the Ground, from whence the same shall be digged, gathered, and carried away, as the said Trustees, or any or more of them, shall judge reasonable: And if any Difference shall arise touching the Rates to be paid for such Materials, or touching the Damage done to the said Lands, Yards, or private Ways, through which any Materials shall be carried

making Satisfaction.

Materials not in waste Grounds, may dig for the same in private Grounds;

Justices to determine Differences.

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ried, as aforesaid, the Justices of the Peace, at their next General or Quarter-Sessions, to be holden for the County of *Middlesex*, may and shall adjudge, assess, and finally determine, the same; from which Determination there shall be no Appeal; and their Order, made touching the same, shall be final, and not liable to be removed by *Certiorari*, or other Process whatsoever.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time, to remove and prevent all Annoyances, Obstructions, and Inconveniencies whatsoever, on any Part of the Road aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Road, or otherwise to the Prejudice thereof; and to open, scour, or cleanse, any Ditches or Watercourses adjoining to the same, and to make the same as deep and large as he or they shall think necessary; and also to cut down, lop, or top, any Trees or Bushes, growing on the said Road, or in the Hedges or Banks adjacent thereto; and to take and carry away the same (the Owners or Occupiers of the Premises, where such Obstructions or Annoyances shall happen to be, or the Persons causing the same, neglecting to remove them, or to open, scour, or cleanse, such Ditches or Watercourses, or to cut down, lop, or top, such Trees or Bushes, for the Space of <sup>after Notice in Writing</sup> given for that Purpose, under the Hands of <sup>of the said Trustees</sup> the Charges of removing which Obstructions or Annoyances, and opening, scouring, and cleansing, such Ditches or Watercourses, and cutting down, lopping, or topping, and removing, such Trees or Bushes as aforesaid, shall, upon Demand, be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers, or Persons causing such Obstructions or Annoyances: And in case such Owners or Occupiers shall neglect or refuse to reimburse to the said Surveyor or Surveyors his or their Charges in and about the Premises, it shall and may be lawful for the said Surveyor or Surveyors, by Warrant under the Hands and Seals of any <sup>of the said Trustees</sup> (which Warrant the said Trustees are hereby authorized and impowered to grant, upon the Information or Evidence of the said Surveyor, or any other credible Witness, upon Oath; which Oath the said Trustees are hereby impowered and required to administer), to levy the same by <sup>of such Owners or Occupiers, or</sup> of the Persons causing such Obstructions or Annoyances; rendering to him, her, or them, the Overplus (if any be), after the Charges of such <sup>shall be deducted: And if, after Removal of any such Annoyances or Obstructions, any Person shall again offend in the like kind, and shall be thereof convicted, upon Oath, before or more Justices of the Peace for the County of *Middlesex*, the Person so offending shall, over and above the Charges of removing such Obstructions or Annoyances, forfeit, for every such Offence, the Sum of <sup>to be levied in manner aforesaid.</sup></sup>

And, for the more effectual Performance of the Statute-work upon the said Road, Be it further Enacted, by the Authority aforesaid, That the <sup>Clause for Performance of Statute-work,</sup> Surveyor



Surveyor or Surveyors of the Highways, for the Time being, for the respective Parishes wherein the Roads, directed to be repaired by the said former and this present Act, do lie, shall yearly, and every Year, during the Continuance of the said former and this present Act, deliver in, upon Oath, to the Justices of the Peace acting for the Division wherein the said respective Parishes do lie, a List of the Names of all and every the Person and Persons in the said respective Parishes, who are obliged by Law to do their Statute-work on the said Roads for that Year, with Teams or Draughts, or otherwise; as also, the Number of Days Work which each Person ought to perform on the said Roads within such respective Parishes; which List shall be delivered in within after Demand thereof made, in Writing, by the said Trustees, or their Surveyor or Surveyors; and a Duplicate thereof shall, within after the same shall be given in to the said Justices, be delivered, by the said Surveyor or Surveyors of the Highways for the said respective Parishes, to the Surveyor or Surveyors appointed or to be appointed by the said Trustees, or to their Clerk or Clerks: And if any Surveyor or Surveyors of the Highways for any of the said Parishes shall refuse or neglect to give in such List, or the Duplicate thereof, as is hereby directed and required, he or they shall, for every such Refusal or Neglect, forfeit the Sum of And the Justices of the Peace for the County of *Middlesex*, at any Petty or Special Session to be held for the Division in which such Parishes respectively do lie, upon Application to them made by any or more of the said Trustees, are hereby authorized and required to order and appoint so many of the Persons named in such List to do their Statute-work on the Roads directed to be repaired by the said former and this present Act, as the said Justices shall think fit; and to return a List of the same within to the said Trustees, or their Surveyor or Surveyors; which said Statute-work shall be done by such Persons, and at such Times, and in such Manner, and in such Parts of the said Roads, as the said Trustees, or any or more of them, or their Surveyor or Surveyors, shall, by Order of the said Trustees, or any or more of them, from time to time, direct and appoint, save as herein after is provided: And if any Person or Persons, who are obliged by Law to perform their Statute-work on the said Roads, as aforesaid, shall neglect or refuse to do such Statute-work so appointed and ordered to be performed, as aforesaid; every such Person, for each Day he shall make Default, shall forfeit the Sum of for each Team or Draught; and every Householder, or other Person liable to perform such Statute-work as a Labourer, shall forfeit the Sum of for each Day he or they shall make Default: And if any Person or Persons, liable to perform such Statute-work, shall be found idle or negligent by the Surveyor or Surveyors of the said Roads, or by any Person appointed or employed by him or them to oversee the Work to be done, such Surveyor or Surveyors, or the Person or Persons appointed or employed by him or them, as aforesaid, is and are hereby empowered and required to turn off the Person or Persons so found idle or negligent, who shall be deemed Defaulters, and shall be liable to the Penalties herein before inflicted.



And be it further Enacted, by the Authority aforesaid, That all Statute-work when to be done.  
and every Person or Persons who shall be ordered and appointed, as aforesaid, to do their Statute-work upon the said Roads, shall be obliged to perform the same at such times of the Year (Hay-time and Harvest-time excepted), as the said Trustees, or any or more of them, or their Surveyor or Surveyors, shall, from time to time, direct and appoint; any Law, Custom, or Usage, to the contrary in any-wise notwithstanding.

And be it further Enacted, by the Authority aforesaid, That from Penalties how to be levied, when sufficient Distress cannot be found in Middlesex.  
and after the said  
where any Penalties, Forfeitures, or Sums of Money, are  
by the said former or this present Act directed to be levied by  
in case of Non-payment, and sufficient cannot be found within the  
County of *Middlesex*, then, upon Oath thereof made before any Justice  
of the Peace of any other County, City, Liberty, or Place, where suffi-  
cient may be found (which Oath the said Justice is hereby im-  
powered and required to administer, and to certify the same under his  
Hand, upon the Warrant made out for such ) the Goods and Chattels  
of the Person or Persons against whom such Warrant shall be issued, shall  
be subject and liable to such in such other County, City, Li-  
berty, or Place, where the same shall be found; and may, by virtue of  
such Warrant and Certificate, be in the same manner as if the  
same had been found in the County of *Middlesex*.

And be it further Enacted, by the Authority aforesaid, That from Clause to prevent vexatious Suits for irregular Dis-  
and after the said  
where any shall be made, by virtue of the said former or this  
present Act, the itself shall not be deemed unlawful, nor the  
Party or Parties, making the same, be deemed a Trespasser or Trespassers,  
upon Account of any Defect, or Want of Form, in the Warrant for such  
or in the Appointment of the Collector or Collectors, Surveyor  
Surveyors; nor shall the Party or Parties be deemed a Tres-  
passer or Trespassers, *ab initio*, upon Account of any Irregularity which  
shall or may happen to be afterwards done by him or them, in making  
but the Party or Parties aggrieved by such Irregularity  
shall and may recover full Satisfaction for the special Damage which he,  
or they, shall have sustained thereby, and no more, in an Action of  
Trespass, or upon the Cause, at the Election of the Party or Parties so  
aggrieved.

Provided always, That where the Plaintiff or Plaintiffs shall recover Plaintiff recover-  
ing in such Suit  
to have Costs;  
such Action, he, she, or they, shall be paid his, her, or their  
Costs of Suits; and have all the like Remedies for the same, as in other  
Cases of Costs.

Provided nevertheless, That no Plaintiff shall recover, in any Action but not to reco-  
ver, if Tender of  
Amends was  
made.  
any Irregularity, as aforesaid, if Tender of good and sufficient Amends  
shall have been made by or on the behalf of the Party or Parties  
before such Action was brought; nor if Tender of such Amends shall  
made at any time after the said Action shall have been brought, and  
before



before the Trial thereof, together with Costs of Suit, to the time of such last-mentioned Tender.

Proceedings not to be quashed for want of Form only.

**Provided also, and be it further Enacted,** That from and after the said

Persons appealing to the Quarter-Sessions to give Notice to the Treasurer of the Trustees;

and to enter into a Recognizance to prosecute.

Judgment of the Quarter-Session to be final.

no Order, Judgment, or other Proceedings, to be made, given, or had, by or before the said Trustees, or any Justice or Justices of the Peace, touching the Conviction of any Offenders against the said former or this present Act, shall be quashed or vacated for want of Form, or be removed or removeable by *Certiorari*, or otherwise, into any of his Majesty's Courts of Record at *Westminster*: And if any Person or Persons, thinking themselves aggrieved by any Order or Judgment made or given in pursuance of the said former or this present Act, shall, in order to be relieved therein, appeal to the Justices of the Peace, at the General Quarter-Sessions of the Peace, to be held for the County of *Middlesex*, the Person or Persons so appealing shall at least before such General Quarter-Sessions, give Notice, in Writing, to the Treasurer or Treasurers, for the Time being, of the Tolls and Duties by the said former Act granted, and hereby continued, of such their Intention to appeal; and shall, within after such Notice given, and before any Appeal shall be allowed, enter into a Recognizance, before some Justice of the Peace of the said County, with sufficient Sureties, with Condition to try such Appeal at the Quarter-Sessions of the Peace, which shall be held for the said County, next after such Notice; and also to pay such Costs and Charges as the said Justices shall award, in case such Appeal shall be disallowed; and every such Appeal shall, at such General Quarter-Sessions, be heard, and finally determined; and the Judgment or Determination of the Justices in the said General Quarter-Sessions, upon such Appeal, shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*; any thing in the said former Act, or any Law or Statute, to the contrary notwithstanding.

Notices of Meeting of Trustees to be in Writing, or printed, and signed by the Clerk.

**Provided also, and be it further Enacted,** That, during the Continuance of the said former and this present Act, all Notices to be given of the Meeting of the Trustees, for the several Purposes in the said former and this present Act mentioned, shall be either in Writing, or printed, and signed by the Clerk to the said Trustees, or any one or more of them, shall think proper; and shall be signed by the Clerk to the said Trustees, and be affixed at or upon the several Turnpikes erected, or to be erected, by virtue of the said former or this present Act, at least before any such Meeting; any thing in the said former Act to the contrary notwithstanding.

Trustees in the Commission of the Peace for *Middlesex* to act as Justices in the Execution of the Act.

**And be it further Enacted and Declared,** by the Authority aforesaid That from and after the said

it shall and may be lawful for any Trustee or Trustees appointed, or to be appointed, to put the said former and this present Act in Execution, who is, are, or shall be, in the Commission of the Peace for the County of *Middlesex*, to act as a Justice or Justices of the Peace with his and their respective Jurisdictions, for putting in Execution the several Powers



Powers and Authorities granted by the said former and this present Act, notwithstanding his or their being such Trustee or Trustees.

**Provided always, and be it further Enacted,** by the Authority Qualification of Trustees. **That** from and after the said

no Person shall be capable of acting as a Trustee in any Case, in the Execution of the said former or this present Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of above Reprizes; or shall be possessed of, or intituled to, a personal Estate of the Value of or shall be seised and possessed of, or intituled to, a real and personal Estate together, of the Value of and unless he shall take and subscribe an Oath, before or more of the said Trustees (which Oath any or more of them are hereby authorized and required to administer), in the Words, or to the Effect, following; that is to say,

**I** A. B. do swear, that I am truly, and bona fide, in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of above Reprizes; or that I am possessed of, or intituled to, a personal Estate of the Value of or that I am seised and possessed of, or intituled to, a real and personal Estate together, to the Value of

And if any Person not qualified, as aforesaid, or not having taken the said Oath, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, he shall, for every such Offence, forfeit the Sum of to be recovered by any Person who will inform or sue for the same, in any of his Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, Bill, Suit, or Information; wherein no Essoign, Protection, Privilege, or Wager at Law, or more than One Impar lance, shall be allowed.

**And be it further Enacted;** by the Authority aforesaid, **That** from Treasurer to give Security. and after the said

no Person shall be capable of being a Treasurer or Receiver of any of the Monies collected, raised, borrowed, or levied, or to be collected, raised, borrowed, or levied, by virtue of the said former or this present Act, until he shall have given Security, to the Satisfaction of or more of the said Trustees, for the due and faithful Execution of his Office; which Security the said Trustees, or any or more of them, are hereby required to take, and to cause the same to be deposited in the Hands of the Clerk of the Peace for the County of *Middlesex*.

**And be it further Enacted,** by the Authority aforesaid, **That** Proceedings to be entered in Books; all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose; and shall be signed by the Clerk or Clerks to the said Trustees; and shall be deemed and taken to be original Orders,



and to be Evidence.

Orders, as if the same were under the Hands and Seals of the Trustees: Which said Book or Books shall and may be produced and read in Evidence in all Cases of Appeals, and in any Suits or Actions, touching any thing done in Pursuance, and by the Authority, of this Act.

Writings to be without Stamp.

**Provided always, and be it further Enacted,** That no Writing whatsoever under the Hands and Seals of, or only signed by, any of the said Trustees, or any Justice or Justices of the Peace, or exhibited before them, or any of them, concerning, or in Execution of, any of the Powers or Authorities by the said former or this present Act granted, shall be chargeable with any Stamp-Duty whatsoever.

Penalty on Persons breaking or defacing Mile-stones, &c.

**And whereas** the Trustees appointed to put the said former Act in Execution have caused the said Road to be measured, and Mile-stones to be erected thereon, or near the Sides thereof; **Be it further Enacted,** by the Authority aforesaid, That the Property of all such Mile-stones as already have been, or hereafter shall be, erected on the said Road, or any Part thereof, shall be, and the same is hereby, vested in the said Trustees, and their Successors: And if any Person shall wilfully or maliciously break any of the said Stones, or any Part thereof; or shall wilfully or maliciously obliterate or deface any of the Letters, Figures, or Marks, thereon, and shall be convicted thereof, either on the Confession of the Party accused, or by the Oath of or more credible Witnesses, before the said Trustees, or any or more of them, or before any Justice of the Peace for the County of *Middlesex* (which Oath any of the said Trustees, or the said Justice, is and are hereby impowered and required to administer); such Person shall forfeit the Sum of for each Stone so broken, obliterated, or defaced, to be levied by

of the Offender, by Warrant under the Hands and Seals of any of the said Trustees, or under the Hand and Seal of the Justice before whom such Person shall be convicted; of which Forfeiture shall be allowed to the Informer; and the other shall be applied in repairing such Stones so broken or defaced: And in case the Person so offending shall have no Goods or Chattels, then it shall and may be lawful for the said Trustees, or any or more of them, or any One Justice of the Peace for the said County, by Warrant under their Hands and Seals, or his Hand and Seal, respectively, to such Person for the Space of and such Person shall not be discharged until he or she shall have paid the said Sum of or until the Expiration of the said

Penalties how to be recovered.

**And be it further Enacted,** by the Authority aforesaid, That the respective Penalties and Forfeitures by this Act inflicted, the Recovery and Application whereof is not herein before particularly directed, shall be recovered and applied in such manner as the Penalties and Forfeitures, inflicted by the said former Act, are thereby directed to be recovered and applied.



And be it further Enacted, by the Authority aforesaid, That if any <sup>Limitation of</sup> Suit or Action shall be commenced against any Person or Persons for any <sup>Actions.</sup> thing done in pursuance of this present Act, or in relation to the Premises; in every such Case, the Action or Suit shall be commenced within next after the Fact committed, and not afterwards; and shall be laid and brought in the County of *Middlesex*, and not elsewhere: And the Defendant or Defendants in such Action or Suit shall and may plead the General <sup>Defendant may</sup> Issue, and give this Act, and the special Matter, in Evidence, at any Tryal <sup>plead the General</sup> to be had thereupon; and that the same was done in Pursuance, and by Authority, of this present Act: And if the same shall appear to have been so done; or if such Action or Suit shall be brought after the Time before limited for bringing in the same, or shall be brought in any other County or Place; that then the Jury shall find for the Defendant or Defendant: Or if the Party or Parties shall be Nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions; or if a Verdict shall pass against the Plaintiff or Plaintiffs; the Defendant or Defendants shall recover <sup>Costs.</sup> Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

And be it further Enacted and Declared, by the Authority aforesaid, <sup>Publick Act,</sup> That this Act shall be adjudged and taken to be a publick Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons, without specially pleading the same.



and Powers granted by an Act  
made in the Eleventh Year of his pre-  
sent Majesty's Reign, intituled, An  
Act for Repairing the Road from  
Shoreditch Church, through Hack-  
ney, to Stanford-Hill, and cross  
Cambridge-Heath, over Bethnal-  
Green, to the Turnpike at Mile-  
end, in the County of Middlesex.



